

## REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claim 76 under 35 USC § 101 as being directed to non-statutory subject matter; claims 14-17, 19, 76-79 and 81 under 35 USC § 102 (e) as being anticipated by Blackketter (U.S. Patent No. 7,237,253); claims 18, 49 and 80 under 35 USC § 103 (a) as being unpatentable over Blackketter (U.S. Patent No. 7,237,253) and claims 45-48 and 50 under 35 USC § 103 (a) as being unpatentable over Blackketter (U.S. Patent No. 7,237,253) in view of Field (U.S. Patent No. 6,018,764).

Claims 14-19, 45-50 and 76-81 are currently pending in this application. Claims 14, 45 and 76 have been amended. The rejections above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 14-19, 45-50 and 76-81.

2. As discussed above, the Examiner rejected claim 76 under 35 USC § 101 as being directed to non-statutory subject matter. Claim 76 has been amended to recite a machine readable medium, and thus a physical object. Applicant respectfully requests that this basis for rejection be withdrawn.

3. As discussed above, claim 14 was also rejected under 35 USC § 102 (e) as being anticipated by Blackketter (U.S. Patent No. 7,237,253). Claim 14 has been amended to include:

“responsive to determining that the indicator signal is not relevant to the user, filtering the indicator signal;

In setting forth the basis for the rejection, the Examiner points to steps 302-310 in Figure 9 for determining an interactive mode based on the received television program. While Blackketter does determine whether an interactive mode is available for a particular channel, Blackketter specifically does not (a) receive an indicator signal, (b) determine that it is not relevant to the user, and (c) filter the indicator signal if it is not

relevant to the user. In particular, Blackketter displays an indicator if an interactive mode is available. It does not filter an indicator signal if the indicator signal is not relevant to the user.

For these reasons, claim 14 and claims 15-19 that depend therefrom are patentably distinct from the prior art. Further, while claim 18 was also rejected based on the Blackketter in combination with Official Notice. The Official notice relied upon by the Examiner does not correct the deficiency in Blackketter discussed above.

4. As discussed above, claims 45 and 76 were also rejected under 35 USC § 102 (e) as being anticipated by Blackketter (U.S. Patent No. 7,237,253). Claims 45 and 76 have been amended in a similar fashion to claim 14. For similar reasons as set forth in the discussion of claim 14, reasons, claim 45 and 76, and 46-50 and 77-81 that depend therefrom are patentably distinct from the prior art. Further, while claims 49 and 80 were also rejected based on the Blackketter in combination with Official Notice. The Official notice relied upon by the Examiner does not correct the deficiency in Blackketter discussed above.

**Conclusions**

For the foregoing reasons, the applicant believes that claims 14-19, 45-50 and 76-81 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

This response is timely filed. No additional fees are believed to be due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (ATT030073).

RESPECTFULLY SUBMITTED,

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